



NASA Procedural Requirements

COMPLIANCE IS MANDATORY**NPR 8580.1**Effective Date: November 26,
2001Expiration Date: November 26,
2008[Printable Format \(PDF\)](#)

Subject: Implementing The National Environmental Policy Act And Executive Order 12114**Responsible Office: Environmental Management Division**

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CHAPTER 4. Categorical Exclusions

4.1 Categorical Exclusions

Categorical exclusions (CatEx) are the most common level of NEPA process and documentation, but they are the least visible and complex (see Figure 3-1). CatEx's are defined in Council on Environmental Quality (CEQ) regulations (40 CFR §1508.4), as a "category of actions that do not individually or cumulatively have a significant impact upon the human environment" and that the given Federal agency has specifically identified in its regulations. Further, because actions in this category do not have a significant impact upon the human environment, they do not require preparing either an EA or an EIS, except under extraordinary circumstances (see section 4.3).

4.2 NASA Categorical Exclusions

4.2.1 NASA NEPA regulations at 14 CFR §1216.305(d) designate a wide variety of classes of actions as CatEx's. These actions include the following:

a. Research and development activities in--

- (1) Space science, other than specific spacecraft development and flight projects,
- (2) Space and terrestrial applications, other than specific spacecraft development and flight projects,
- (3) Aeronautics and space technology and energy technology applications, other than experimental projects that have the potential for substantial environmental impacts, and
- (4) Space transportation systems engineering and scientific and technical support operations, routine transportation operations, advanced studies.

b. Enhanced space tracking and data systems,

c. Facility planning and design (funding),

d. Minor construction of new facilities, including rehabilitation, modification, and repair, and

e. Continuing operations of a NASA facility at a level of effort, or altered operations, provided the alterations induce only social and/or economic effects but no or minimal natural or physical environmental effects.

4.3 When a CatEx May Not Be Appropriate

4.3.1 Sometimes an action that normally qualifies as a CatEx may need to be subjected to either an EA or EIS level of NEPA process because of unique or extraordinary circumstances. Examples include--

- a. Proposals of greater scope or size than ordinarily encountered in the type of CatEx being considered (e.g., a research and development program that has expanded and now requires developing a new 10,000 square meter (100,000 square foot) laboratory facility),
- b. Proposals that use an unproven technology and have the potential for substantial environmental impacts,
- c. Proposals that would use or generate a hazardous, toxic, or radioactive substance that will come into contact with the environment,
- d. Proposals that would adversely impact an area of critical environmental concern (e.g., prime or unique farmland, wetlands, and coastal zone areas),
- e. Proposals that would adversely impact threatened or endangered species, critical habitat, archeological or historic sites, or other types of protected resources, and

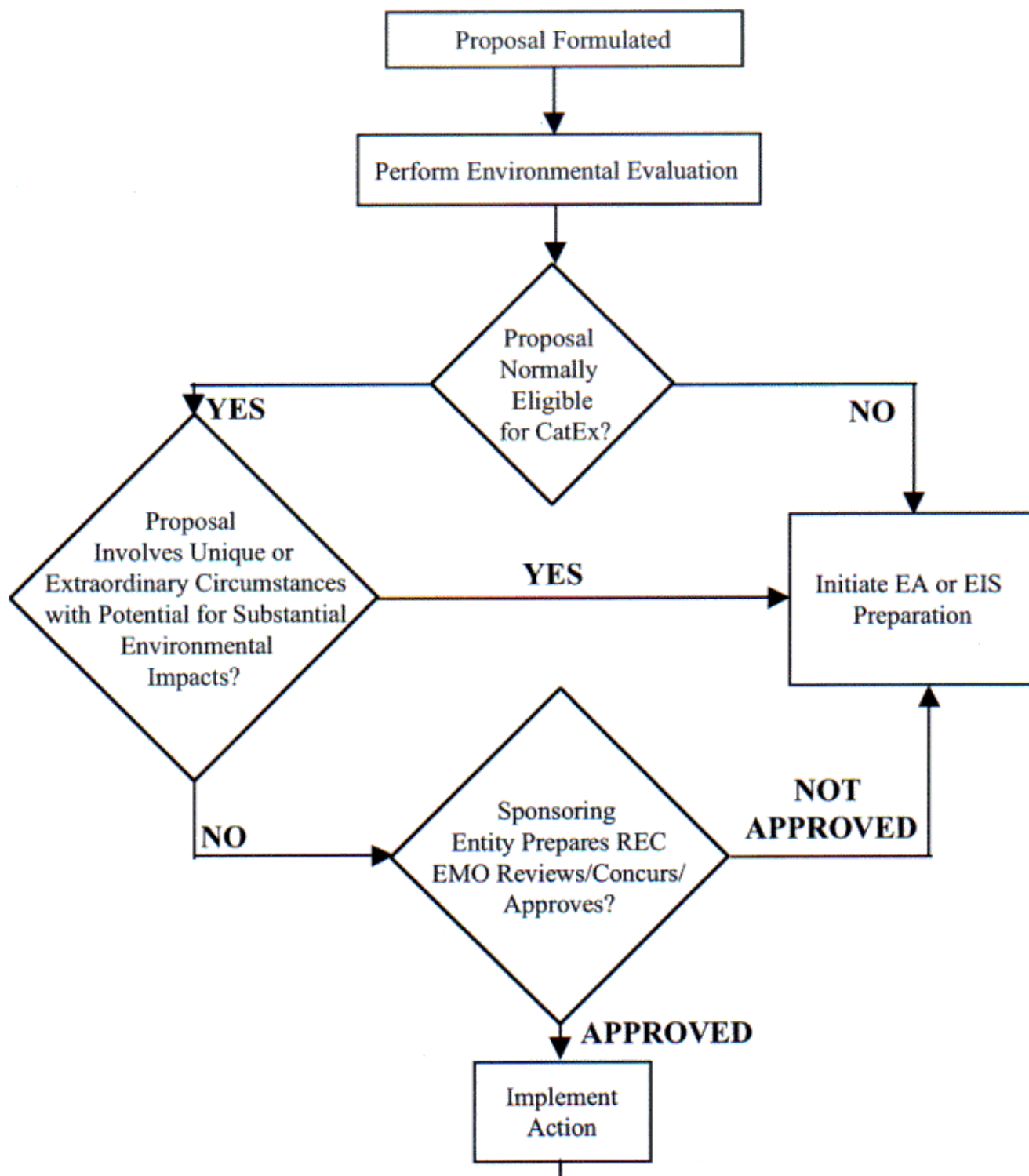
f. The environmental evaluation identifies environmental impacts of some level of significance that may be potentially substantial or are unclear.

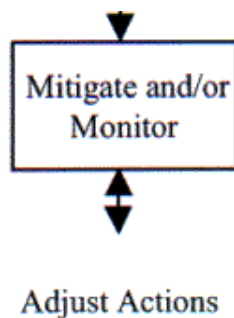
4.4 Process for Making a CatEx Determination

4.4.1 The process for making a CatEx determination is relatively simple (see Figure 4-1). Responsibility for seeking a CatEx determination for a proposed activity lies with the Sponsoring Entity. The local Environmental Management Office (EMO) makes the CatEx determination in consultation with the Sponsoring Entity.

4.4.2 The environmental evaluation assesses the proposal against those actions normally qualifying as CatEx's (see section 4.2), determining if unique or unusual circumstances apply (see section 4.3). If the environmental evaluation indicates that a CatEx is appropriate, the Sponsoring Entity documents this in a Record of Environmental Consideration (REC), with signature/approval by the local EMO.

Figure 4-1. Process For Categorical Exclusion Determination





4.4.3 Elements of a REC include the following:

- a. Sponsoring Entity, name, and code,
- b. Project title,
- c. Brief description of the project (may be provided elsewhere),
- d. Anticipated start date and duration,
- e. Basis for determination, and
- f. EMO approval/signature/date block, with a decision to approve or deny CatEx or to prepare an EA or EIS.

4.4.4 Appendix I provides examples of REC's presently used by NASA.

4.4.5. The basis for a CatEx determination could include if the proposal--

- a. Is clearly listed in 14 CFR §1216.305(d),
- b. Does not individually or cumulatively result in a change in environmental conditions,
- c. Results only in social or economic effects,
- d. Does not result in public environmental controversy, or
- e. Does not result in modifying existing permits or require new permits.

4.4.6 The Sponsoring Entity can then proceed with the proposal, monitoring, to the extent prudent, for changes or circumstances during implementation that could require additional NEPA review (e.g., an EA or EIS) (see Figure 3-1). If a CatEx is determined to be inappropriate, plans are then made to prepare either an EA (see chapter 5) or an EIS (see chapter 6). The typical roles and responsibilities for the CatEx process are summarized in Table 4-1.

4.4.7 There may be instances where there are potential environmental concerns, but further review and studies indicate there is little potential for significant environmental impact. For example, a cultural resource issue may have been resolved with a no adverse effect determination after field studies and consultation with the State Historic Preservation Officer. In such an instance, the REC should be augmented by attaching appropriate documentation that resolves the potential concern.

Table 4-1. Typical Roles and Responsibilities for the CatEx Process¹

Function	Sponsoring Entity	Local EMO	HQ/EMD	Center Director	AAMS ²	Other AA ³	Strategic Enterprise AA
				Environmental Evaluation/Checklist			
Prepare	x	x					
Review/Concur	x	x					
				REC (for CatEx)			
Prepare/Recommend	x	x					
Review/Concur	x	x					
Signature		x					

¹ More than one x in a row indicates a collaborative effort between specified parties

²AAMS = Associate Administrator for Management Systems

³ AA = Other Associate Administrators, Office of the General Counsel

4.5 CatEx's That May Not Require a REC

4.5.1 Certain classes of categorically excluded actions have no potential for substantial effects, individually or cumulatively, on the quality of the human environment. The following examples include, but are not limited to, NASA actions not expected to have a substantial impact on the environment and that should be considered categorically excluded:—

- a. Preparation of regulations, directives, manuals, or other guidance documents that implement (without substantial change) regulations, directives, manuals, or other guidance documents from NASA Headquarters or other Federal agencies,
- b. Routine personnel actions,
- c. Routine procurement of goods and services,
- d. Continuation of actions, if there is no change from previously existing conditions, scope, or level of activity,
- e. Study efforts that involve no commitment of resources other than personnel and funding allocations,
- f. Policy development, planning, and implementation that are related to routine activities, such as personnel, organizational changes, or similar administrative functions,
- g. Activities that deal solely with the functions of programs, such as program budget proposals, disbursement, transfer, or reprogramming of funds,
- h. Public education and information programs and activities,
- i. Administrative, classroom, or observational in-house training,
- j. Purchase of land where existing use will remain unchanged,
- k. Internal modifications or equipment additions (e.g., computer facilities and relocating interior walls) to small structures or buildings,
- l. Ordinary maintenance or replacement of equipment or small structures (e.g., utility pole structures, microwave facilities, and valves),
- m. Testing work (e.g., test borings or cores and water test wells),
- n. Studies and engineering undertaken to define a proposal or alternatives sufficiently so that environmental effects can be assessed,

o. Storage of non-hazardous materials (i.e., those that are not ammunition, explosives, pyrotechnics, radioactive, and other hazardous or toxic materials), and

p. Routine repair and maintenance of buildings, roads, airfields, grounds, and equipment that do not increase or alter existing functions.

4.5.2 The local EMO should review the above actions to determine whether a REC should be prepared, taking into account the circumstances and processes of their respective facility.

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